

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL HARPER,

Plaintiff,

v.

CDCR, et al.,

Defendants.

No. 2:21-cv-00130-KJM-JDP (PC)

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

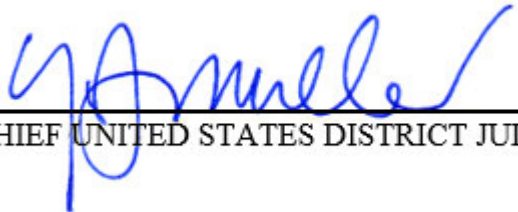
On September 28, 2021, the Court denied plaintiff's application for leave to proceed in forma pauperis because plaintiff is a three-strikers litigant within the meaning of 28 U.S.C. § 1915(g). ECF No. 10. Plaintiff was granted fourteen days in which to pay the \$402 filing fee for this action and warned that failure to timely submit the fee would result in dismissal of this action. *Id.* Plaintiff has not paid the filing fee, and the allotted time has passed.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

1 . . .”). Having reviewed the file, the court finds the findings and recommendations to be
2 supported by the record and by the proper analysis.

3 Accordingly, it is hereby ORDERED that this action is dismissed without prejudice for
4 failure to pay the filing fee.

5 DATED: November 12, 2021.

6
7 
8 CHIEF UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28